



Meeting Report of the Enhanced Learning Exercise

for the Consultation Process on

Engaging in the SUN Movement: Preventing and Managing Conflicts of Interest

Accra, Ghana on 1-2 April 2014

28 April 2014 Draft

Introduction

The first Enhanced Learning Exercise for the GSO/SUN project on “Prevention and Management of Conflict of Interest in the Scaling Up Nutrition Movement” was held in Accra, Ghana from 1 to 2 April 2014. There were over fifty participants representing Ghanaian networks of civil society, academia, business, donors, UN agencies and government. Among them were focal points for the SUN Movement networks so far established in Ghana. In addition, there was participation by focal points and other SUN Movement stakeholders from Senegal and Cote d'Ivoire. With deep appreciation for the organizational efforts of Edith Tetteh, the SUN Focal Point for the government of Ghana, and her Planning Committee, the event was a well-rounded and balanced multi-stakeholder experience, with a high level of engagement by all of the participants in discussions specifically addressing the prevention and management of conflict of interest in the SUN Movement.

The interactive format included several panels drawn from and moderated by the participants, and two rounds of small-group “learning circles” with facilitators and rapporteurs to enable inclusive involvement by all participants. The GSO-SMS team presented and explained the background and elements of the Reference Note and Toolkit, supplemented by a presentation by Professor Joseph Atsu Ayee on the ethical perspective. The three authors from the Ghanaian Academic Network presented the Case Study that served as the framework for the rest of the programme. Panelists drawn from the diverse networks commented on the presentations and shared their views. The learning circles were organized into four groups, with one in French and the other three in English. All four had participants as facilitators and rapporteurs. The lively discussions focused on the issues raised in the Case Study in the context of the SUN Principles of Engagement and the four main elements of the Reference Note and Toolkit prepared by the GSO-SMS partnership. The facilitators and rapporteurs of the Learning Circles provided feedback to the full group on the key issues, policies, procedures and practices related to the prevention, identification, management and monitoring of conflict of interest in the SUN movement that were discussed in their groups.

Welcome Panel

The opening event was chaired by the Hon. Paul Victor Obeng, the Chair of the National Development Planning Commission, and featured an impressive panel of nutrition champions, including Professor F.T.



Sai, Prof. A.B. Akosa, Prof. Samuel Ofusu-Ammaah and the Hon. Naa Prof. John S. Nabila, the President of the National House of Chiefs, who also did the honors of officially opening the event. The messages from the nutrition chiefs reflected the long-standing appreciation and efforts for combating malnutrition in Ghana. Several spoke of the historical challenges in treating children suffering from ‘kwashiorkor’, a debilitating disease resulting from protein deficiency in a child’s diet after being weaned from breast milk. The name for this disease, prevalent in many countries and not just in Ghana, is derived from the word in the Ghanaian language of Ga meaning “the sickness the baby gets when the new baby comes”.

The message from the nutrition champions was striking in pointing out that the SUN Movement needs to be looking beyond the importance of encouraging breastfeeding to ensuring the availability of adequate complementary foods for young children once they have been weaned. In that regard, too, the nutrition champions highlighted the importance of relying on local foods for ensuring adequate nutrition in sharp contrast to the growing popularity of “Western” food products. Here, the observations suggested both the importance of locally produced nutritious choices for combating under nutrition and for combating the emerging double burden of obesity and over-nutrition because of the poor nutritional value of Western food products. The stage was well set for the opening of this event on preventing and managing conflicts of interest in the Scaling Up Nutrition Movement in Ghana – and in West Africa generally.

Presentation on the GSO/SUN Reference Note and Toolkit

Participants were already acquainted with the mission of the Scaling Up Nutrition Movement, which had been launched in 2010 to bring together the leaders from governments, civil society, the scientific community, business, development agencies and the UN system, to promote better nutrition for the world’s women and children. Joining forces to work together has meant agreeing to end long-standing differences. Based on the first two years of experience, the Lead Group for the SUN Movement concluded in 2012 that this effort at multi-stakeholder collaboration would benefit from guidance for SUN countries and stakeholders on recognizing the distinction between conflicting interests and conflicts of interest and on applying various tools for the prevention and management of conflicts of interest among the participating stakeholders. As a result, the Global Social Observatory, an NGO with a reputation for facilitating multi-stakeholder dialogue, received funding from the Gates Foundation to develop a Reference Note and Toolkit for the prevention and management of conflict of interest in the SUN Movement through a series of multi-stakeholder consultations drawn from SUN member countries and SUN networks.

As explained by Katherine Hagen, the Executive Director of the Global Social Observatory, the Reference Note describes the ten SUN Principles of Engagement for a conflict of interest policy and links them to a country’s existing laws and regulations on conflict of interest while also providing some basic definitions for individual and organizational conflict of interest in the SUN Movement. The Reference Note then continues with a conflict of interest policy framework made up of four elements on preventing, identifying, managing and monitoring conflicts of interest in the SUN Movement supplemented with an



underlying and continuing process for capacity building. The Toolkit provides options on how to implement each of the four elements of the conflict of interest policy framework.

The purpose of the Enhanced Learning Exercise in Accra is to begin the second phase of this project to bring together national focal points and stakeholders to discuss their experiences in relation to preventing and managing conflicts of interest, and to assess how the Reference Note and Toolkit may be applied at the country level. The programme is structured around a locally produced case study and is furthermore enhanced by introducing and integrating a local ethical perspective on conflict of interest. Professor Joseph Atsu Ayea was introduced as the local ethics expert for this purpose. His opening message to the participants was to emphasize that both conflicts and conflicts of interest are inevitable but that the main difference is that conflict of interest must be seen as an ethical issue. Conflict is a product of social interaction and is not an ethical issue, while conflict of interest *is*, because it involves compromising the primary interests (such as the primary interests of the SUN Movement) with secondary interests that are incompatible with the public, group, or institutional interest and action.

Following the Enhanced Learning Exercise in Accra, there will be three other Enhanced Learning Exercises for SUN Movement countries and stakeholders, in Kenya, El Salvador and Indonesia, followed by a concluding global conference. A major goal of the project is to compile lessons learned from the four Enhanced Learning Exercises, to revise the Reference Note and Toolkit and to recommend further implementation to the SUN Lead Group. The local ethics/conflict of interest expertise from each of the four Exercises will also be drawn together with a global ethics/conflict of interest expertise.

Presentation of the Case Study and Panel Discussion

The foundation for the Accra Enhanced Learning Exercise was a locally prepared case study describing an example of a locally inspired conflict of interest, containing historical issues and key stakeholders (identified anonymously) of relevance to the SUN Movement in Ghana. The three authors of the case study, Dr. Francis Zotor, Dr. Richmond Aryeetey, and Dr. Amos Laar presented the main issues in the case study and described the main stakeholders. The case study illustrated a range of issues on governance, financial management and leadership involving several NGOs in a civil society network, as well as the relationship of a newly formed NGO alliance with the hypothetical government of Ghamera, donors and UN agencies. While the case study dealt with a civil society network, it raised issues that were applicable to other networks and to multi-stakeholder platforms as well. Thus, there were questions about setting up a governance structure where there was a dominant entity and many smaller entities, about potential or real conflicts of interest in the disbursement of funds, and about the role of leadership and how it should be defined.

A panel discussion followed the presentation to provide a preliminary overview of the usefulness of the case study for relating to the experiences of the panelists on the prevention and management of conflicts of interest. It was illuminating to learn that terms of reference are indeed needed for organizing the stakeholders within each of the SUN networks in a country and that it was not entirely clear what the role of the National Focal Point should be in managing conflicts of interest within each of the networks. There



was widespread agreement that leadership needed to be transparent and inclusive, oriented to consensus-building among the diverse stakeholders and to wide consultation and continuous communication. In fact, observed the panelists, this meant that leadership in the SUN Movement clearly needed to respect and follow the SUN Principles of Engagement.

Guidance on financial management is also important, they observed, and here the elements of the conflict of interest policy framework from the Reference Note and Toolkit could be applied. Transitions in governance structures are frequently difficult to implement, and they can and do occur in any of the networks involved in a multi-stakeholder collaboration, as well as in the overall transition to a multi-stakeholder platform. The challenge is to determine who has responsibility for what among the various institutions and stakeholders. The stakeholder groups should also include the private sector.

Presentation on the Element of Prevention, followed by a Panel Discussion and Learning Circles on Prevention

Building on the observations made about the Case Study, the Enhanced Learning Exercise was then organized around the elements of the GSO/SUN Reference Note, starting with a focus on the element of prevention. A brief presentation was made by Katherine Hagen on this element in the Reference Note and Toolkit – summarizing the key messages of (a) having a clearly written policy on conflict of interest that is applicable to all stakeholders and (b) of requiring the disclosure by all participating stakeholders of all interests that may be construed to be a conflict of interest.

The panel discussion following this presentation featured the importance of having established policies in place on conflict of interest, not only at the national platform level but also within each of the networks. Considerable attention was directed to the challenge of local implementation of policies, since it is mostly at the local community level that conflicts of interest are likely to arise. Knowledge and education about conflict of interest is important, and any strategy for knowledge dissemination and education should take this local perspective into account. Written policies should be in place even before one starts to operate a network or multi-stakeholder platform. Thus, including an understanding of conflict of interest should be included in the terms of reference for any national focal point and network leader.

The first round of learning circles provided participants to share their views and experiences in small groups, with facilitators and rapporteurs supporting four different learning circles. The groups were able to refer to a set of specific questions on how the case study might serve to understand the usefulness of prevention strategies oriented to clearly developed COI policies and disclosure requirements. Rapporteurs then presented summaries of the discussions to the full group.

Considerable attention was directed to the steps one might take in developing a conflict of interest policy, as laid out in the Toolkit. In that context, several groups reported looking at the role of the SUN Principles of Engagement in guiding the leadership of various entities, especially regarding transparency and inclusiveness. Participants recognized that the issue of who has the responsibility to decide who to include in the networks or platforms was a crucial threshold issue. Several groups touched on the linkages between the SUN Principles of Engagement and existing laws and regulations. Some participants



suggested that a data mapping should be done of the existing legal framework. There was wide agreement that the role of the principles and policy recommendations in the Reference Note and Toolkit is to complement and not replace the existing framework in any particular country. While this was recognized in the Reference Note, the participants felt that the importance of existing legal machinery needed to be more fully stated. In any case, all groups reported recognition of the importance of having a clear policy on conflict of interest in place.

Among the experiences shared at this stage were observations about how to avoid raising expectations of participating groups by making it clear that the collaborative effort is a pooling of resources but not necessarily an avenue for distributing additional resources. Organizers of such collaborative efforts need to have the capacity for conflict of interest management, including conflicts of interest relating to financial resources management. Some participants suggested that this also merited the establishment of an independent review committee specifically assigned to the task of developing and administering a conflict of interest policy. Further suggestions were made to supplement the Reference Note and Toolkit on prevention with guidance for establishing financial management and oversight policies and procedures as part of the conflict of interest policy framework.

Others spoke about the issue of disclosure of interests primarily in terms of how to challenge and enforce disclosure when there was a significant power imbalance between the challenger and the individual or institution involved in the conflict of interest. Whistleblower protection was raised by several participants, and it was noted that the Reference Note and Toolkit needed to say more about this. Finally, another concern was reliability of enforcement such that a clearly established conflict of interest policy was useless unless there were some teeth and also some consistency in applying the policy to impose sanctions against conflicts of interest.

Presentation on Identifying, Managing and Monitoring Conflicts of Interest and Capacity Building, followed by a Panel Discussion and Learning Circles

The next segment of the Enhanced Learning Exercise took the remaining elements of the Reference Note and Toolkit on identifying, managing and monitoring conflicts of interest and on capacity building. Breda Gavin-Smith gave a brief presentation of the elements drawn from the Reference Note and Toolkit, starting with procedures for identifying conflicts of interest. She explained that since conflicts of interest are inevitable in a multi-stakeholder setting, they may be categorized through a risk-based approach in order to focus management on conflicts of interest that may give rise to concern or are certain to cause damage. The “reasonable person” test is included in the Reference Note to aid in applying this risk-based approach. Another approach for identifying conflicts of interest is described as the “due diligence” approach that places responsibility on individuals and supervisory bodies for thoroughness and transparency in identifying conflict of interest situations.

Ms. Gavin-Smith continued with an overview of the options for managing conflicts of interest, including options for the institutional framework for reviewing and action on conflicts of interest situations and also options for the range of remedial actions. Monitoring mechanisms are needed in order to assess the



implementation of a conflict of interest policy and specific conflict of interest situations, along with suggested options in the Toolkit for monitoring outcomes, modifications and a registry. Finally, capacity building involves provision for a continuous learning loop at multiple levels, local, regional, national and global, as well as understanding how the Enhanced Learning Exercises are setting the stage for a future role of the community of practice on ethics and conflict of interest and of the SUN Movement Secretariat.

In applying these basic elements to the case study, the participants in the panel discussion and learning circles developed further their ideas on governance, financial management and leadership. Coordination of multiple sectors within and outside government was challenging without a legal structure and requires leadership skills for consensus building and wide and continuous consultation and communication. Several participants raised the importance of including the business sector as well as civil society and academia. Terms of reference need to clarify the expectations of each network in the SUN Movement, with the understanding that the common goal is scaling up nutrition. This also means that managing conflicts of interest requires capacity to manage at the level of each network. Some participants stressed the need to further develop the SUN Movement platform in Ghana, to perhaps establish a committee with membership drawn from each of the country level networks, that would meet regularly and be chaired by the government focal point, and take on the tasks of establishing a conflict of interest policy.

Participants recognized that identifying conflict of interest requires more than a risk-based approach; it needs to start with a clear understanding of the differences between conflict and conflict of interest. More training is needed on this and on how to distinguish between the two. Participants also raised concerns about financial auditing and management oversight and the need to have more guidance on its relationship to conflicts of interest. With regard to the risk-based approach, participants suggested that more scenarios would help to clarify the categories of risk and how to manage them effectively. More guidance was also needed on the due diligence approach and the reasonable person test. The need for whistleblower protection was raised once again here, to ensure that policy on conflict of interest is being fairly and consistently implemented. Monitoring of conflicts of interest policy and of individual cases also required guidelines that are consistently applied to all groups.

Linking the SUN Principles of Engagement to local cultures and traditional systems of conflict management was again highlighted. It was noted that alternative dispute resolution mechanisms do exist and can be useful. Knowledge and information about conflict of interest should be widely disseminated, including especially at the local community level and among all sectors of society. Most importantly, there should be a willingness to hold people accountable to the ethics of responsible behavior consistent with the SUN Principles of Engagement. The participants further noted that the prevention and management of conflict of interest should be more than having a policy framework in place; it should be a continuous capacity-building process. This message, too, should be more fully developed in the Reference Note and Toolkit.

Concluding Panel and Closing Ceremony

The concluding panel helped to identify opportunities for going forward with an enhanced appreciation for the value of putting in place the mechanisms for preventing and managing conflicts of interest in national frameworks as well as in the key networks. Building trust in support of an ethical approach to



multi-stakeholder collaboration requires first and foremost an understanding of what conflict of interest means, and this does require a transparent and deliberate policy of knowledge and information sharing. But it also requires having mechanisms in place and to incorporating them into the national framework through a more fully developed SUN Movement platform. The GSO/SUN Reference Note and Toolkit provide a useful starting point for stakeholders to carry this out. Participants confirmed that they wanted to contribute to strengthening the guidance in these materials and to being kept informed about the case studies and outcomes of the future Enhanced Learning Exercises. They expressed interest in having a continuing dialogue through the GSO and developing a community of practice to share information and “harvest the ideas” that have come out of this exercise and all future exercises.

The closing ceremony featured Dr. Gloria Quansah-Asare, the Deputy Director-General of the Ghana Health Service who reminded us about the growing importance and commitment on nutrition that was stimulating widespread support for action through efforts like the Scaling Up Nutrition Movement. The possibilities were opening up for all concerned stakeholders and individuals to work together, and it was timely for the collaboration to benefit from the building of trust and ethical behavior that this Enhanced Learning Exercise has sought to facilitate.



Key Lessons Learned

1. **SUN Principles of Engagement are central to the process – all ten have been highlighted throughout the two days and in various contexts.**
2. **Reliance on existing laws and mechanisms – data mapping should be done, with the role of the Reference Note and Toolkit as complementing and strengthening existing laws.**
3. **TOR for the Focal Point should include capacity for conflict of interest management.**
4. **TORs need to clarify expectations of each network with understanding that the common goal is scaling up nutrition.**
5. **Networks themselves need conflict of interest policies and management in place.**
6. **Early policy setting needs to be developed with a review committee specifically assigned to the task.**
7. **Whistleblowers need protection.**
8. **Financial auditing and management oversight should be included in the guidance materials.**
9. **All issues are local, and the community focus needs to be emphasized.**
10. **Traditional cultures should be included in preventing and managing conflicts of interest.**
11. **Knowledge and information need to be widely disseminated, including at the local level and among all sectors of society.**
12. **Leadership in the national multi-stakeholder platform and among the networks needs to be oriented to consensus building and wide consultation.**
13. **Future enhanced learning exercises should include information on how to distinguish between conflicts and conflicts of interest.**
14. **Regular communications and guidelines to prevent and manage conflicts of interest should be consistent and applied to all groups.**
15. **More guidance is needed on the due diligence approach and reasonable person test.**